

*REMARKS*

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated February 4, 2004. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

Claims 1-3 have been canceled, and claims 4-30 remain pending. Claims 4-7, 14, 20, 23, and 29 have been amended and claims 31 and 32 have been added to describe the invention more clearly. No new matter has been added, the basis for the amended claim language may be found within the original specification, claims and drawings.

Applicants are pleased to note claims 4-19 were not rejected on any grounds. Claims 4-19 were indicated in the Office Action Summary to be objected to, which Applicants assume was because they depended from a rejected base claim. Accordingly, claims 4, 5, and 7 have been rewritten in independent form including the limitations of the base claim and claim 6 has been amended to depend from claim 4. Thus, it is believed that all of claims 4-19 and new claims 31 and 32 which depend from claims 5 and 7, respectively, should now be in condition for allowance.

Claims 2 and 20-27 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 has been cancelled and claim 20 (from which claims 21-27 depend) has been amended to improve the form of the claim and more distinctly claim the subject matter which Applicants regard as their invention. Thus, it is respectfully submitted that with this amendment to the claims, the basis for rejection under 35 U.S.C. §112 has now been overcome and should be withdrawn.

Claims 1-3 and 28-30 were rejected under 35 U.S.C. §102 as anticipated by DD120646 and DD200083. The rejection is respectfully traversed.

Since claims 1-3 have been cancelled, the rejection of these claims is now moot. Claim 29 has been amended to depend from claim 4, and with this amendment claim 4 is now in condition for allowance. Accordingly, claim 29 should also be allowed.

Claim 28 depends ultimately from claim 20, which with the amendment above is now in condition for allowance. However, according to the Office Action, "claim 28 is written in a product-by-process format and as such, it is the novelty of the instantly claimed product that need be established". Accordingly, the rejection of claim 28 is addressed herein.

Claim 28 is directed to a urea/aliphatic aldehyde condensation product having an inorganizing speed controlled by a process including adding to the urea/aliphatic aldehyde

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condensation product a sparingly water-soluble phosphatic fertilizer having the elution characteristics specified in claim 20 *and a water-repellent substance*.

A reference anticipates a claimed invention only if it discloses each and every element of the claimed invention. Neither DD200083 nor DD120646 even mention a water-repellent substance, let alone a urea/aliphatic aldehyde condensation product having an inorganizing speed controlled by a process including adding a sparingly water-soluble phosphatic fertilizer and a water-repellent substance to the urea/aliphatic aldehyde condensation product. Therefore, neither of the cited references anticipates claim 28, and thus the rejection cannot be maintained. Since claim 30 depends from claim 28, claim 30 should also be allowable.

In view of the amendments and remarks recited herein, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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